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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,105	08/09/2006	Norbert Schneider	PAT-00385/BC1-0210	2614
26/922 7590 01/06/2010				
BASF CORPORATION Patent Department 1609 BIDDLE AVENUE MAIN BUILDING WYANDOTTE, MI 48192				
EXAMINER				
ABU ALI, SHUANGYI				
ART UNIT		PAPER NUMBER		
1793				
NOTIFICATION DATE		DELIVERY MODE		
01/06/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/595,105

**Applicant(s)**

SCHNEIDER ET AL.

**Examiner**

SHUANGYI ABU ALI

**Art Unit**

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Status of Claims***

Claims 1-15 remain for examination wherein claims 1 and 4 are amended.

***Claim Rejections - 35 USC § 103***

The rejection of claims 1-3 and 5-8 under 35 U.S.C. 103(a) as being unpatentable over JP2004-175813 to Takano as generally set forth in the previous office action mailed 07/08/2009 stands.

The rejection of claims 1, and 13-14 under 35 U.S.C. 103(a) as being unpatentable over DE 10027293 as generally set forth in the previous office action mailed 07/08/2009 stands.

The rejection of claims 1-8 and 12-14 under 35 U.S.C. 103(a) as being unpatentable over US 2004/0191198 A1 to Hochstein et al., in view of WO 02/090448 as generally set forth in the previous office action mailed 07/08/2009 stands.

The rejection of claims 9 -11 under 35 U.S.C. 103(a) as being unpatentable over US 2004/0191198 A1 to Hochstein et al., in view of WO 02/090448., further in view of U. S. Patent No. 5,565,025 to Schraml-Marth as generally set forth in the previous office action mailed 07/08/2009 stands.

The rejection of claims 1-15 under 35 U.S.C. 103(a) as being unpatentable over US 2003/0008963 to Hashizume in view of U. S. Patent No. 6,017,989 to Malm et al. as generally set forth in the previous office action mailed 07/08/2009 stands.

The text of those sections of title 35 US Code not included in this action can be found in the prior Office Action.

***Response to Arguments***

Applicant's arguments filed 10/23/2009 have been fully considered but they are not persuasive.

The applicant argues that Takano and Hashizume disclose that the pigment is bounded to the resin. The Examiner respectfully submits that there is no limitation in the claims that the compound B can not be bound with compound A. The Examiner interprets the limitation that ".....which are free from leaf-shaped effect pigment" as the compound when it is a leaf-shaped particle it can not be leaflet-shaped effect pigment.

The applicant argues that DE 10027293 fail to disclose the aspect ratio of the aluminum pigment. The Examiner respectfully submits that the aluminum pigment's property has a ratio of thickness to diameter in a range off 0.02-0.002(evidence by the WO search report). The applicant argues that the prior art disclose that the resin layer is transparent not the particle. The Examiner respectfully submits that the layer is made up by the resin particles.

The applicant argues that Hochstein et al. is silent about the component B is transparent. The Examiner respectfully submits that Hochstein et al. disclose that colorant and filler can be used as component B and colorant for example interference pigment can be transparent.

The applicant argues that the Component B can not be cured. The Examiner respectfully submits that when the colorant is polymer based, they can be cured. The Applicant fail to provide any factual evidence to show the contrary and attorney's argument can not take the place of the evidence.

The applicant argues that the Hochstein et al. has a coat of 10-80 micron. The Examiner respectfully submits that it is the glass flake thickness. The coating layer disclose by the Anselmann disclose the layer is up to 1 micron, which including less than 100 nm required by Schrami-Marth.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHUANGYI ABU ALI whose telephone number is (571)272-6453. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.A. LORENZO/  
Supervisory Patent Examiner, Art Unit 1793

/Shuangyi Abu-Ali/  
Examiner, Art Unit 1793